

**Official Minutes for Webb County
Commissioners Court Special Meeting**
(Called by Cmr. Frank Sciaraffa, Judith Gutierrez and Cindy Cortez-Brunner)

Monday, July 10, 2006 at 7:00 PM
(Approved 08-14-2006)

- Item No. 1 Call to order by Commissioner Gutierrez
Let it be remembered that a special meeting of the Webb County Commissioners Court was held at 7:00 p.m. at the regular meeting place with the following members present to wit:

Frank Sciaraffa	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Cindy Cortez-Brunner	Commissioner, Pct. 4

Not Present:	
Louis H. Bruni	County Judge
Jerry Garza	Commissioner, Pct. 3

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice on the 7th of July 2006. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3 Pledge of Allegiance – Led by All

- Item No. 4 Discussion and possible action to extend current Delinquent Tax Collection Contract through July 31, 2006, any matter incident thereto in order to assure compliance with Sections 33.07 and 33.48 of the Property Tax Code (providing for continuation of collection of additional penalty for delinquent tax payments after July 1, 2006)

Cmr. Gutierrez requested that Mr. Homero Ramirez, County Attorney, advise the court of the issue of compliance in regards to this matter. She stated that Judge Bruni had been contacted to call this meeting but that on the advice of Mr. Ramirez, a meeting was called by three members of the court. Mr. Homero Ramirez, County Attorney, stated that there are two penalties assessed during a tax year. He stated that taxes not paid by February 1st are assessed a 15% penalty. He stated that if the taxes continue to be delinquent by July 1st, an additional 15% penalty is assessed. He stated that the second penalty is tied to having a private attorney collect delinquent taxes and his concern was the ability of the county continuing to charge this fee if the current contract was to expire and nothing is done. He stated that the current contract would expire on July 12 at 5:00 PM. He stated that if the court

chooses to take no action on either item presented today, the Tax Assessor Collector would need to decide whether to continue collecting the second penalty beginning July 13th. Cmr. Gutierrez thanked all the attorneys present to attending on such short notice. She stated that regardless of what is done tonight, the court will be closer to making their decision. Mr. Ramirez stated that the local attorneys were notified via telephone call and an out of town applicant was notified via facsimile since they were unable to contact them by telephone. He stated that all the attorneys or their representatives were present here today.

Cmr. Sciaraffa motioned to table Item No. 4. Cmr. Cortez-Brunner seconded the motion.

Motion carried 3-0 with Judge Bruni and Cmr. Garza not present.

Mr. Homero Ramirez, County Attorney, requested that the court go into Executive Session for Item No. 5 under Section 555.071(2) for consultation with attorney and not under 551.074 Personnel Matters.

Cmr. Sciaraffa motioned to move into Executive Session. Cmr. Cortez-Brunner seconded the motion.

Motion carried 3-0 with Judge Bruni and Cmr. Garza not present.

EXECUTIVE SESSION (7:28 PM to 7:52 PM)

Cmr. Gutierrez reconvened the meeting and stated that no action was taken while in Executive Session.

Item No. 5 Discussion and possible action regarding selection Delinquent Tax Collection Attorney (including interviews with proposers) and any matter incident thereto. [The Commissioners Court may meet in Executive Session to consult with the County Attorney as permitted by the Texas Open Meetings Act – Section 551.071(2); and Personnel Matters Section 551.074]

Cmr. Gutierrez stated that they will be interviewing the applicants in alphabetical order. She stated that they would each be given ten (10) minutes to make a presentation to the court. She stated that only one question would be asked of all the applicants which is "What sets you apart from the other applicants?"

The applicants were taken in the following order:

Law Office of Cavazos & Morales, L.L.P.

Gutierrez & Hunter

Linebarger Goggan Blair & Sampson, LLP

Law Offices of Lazaro Garza Gongora, Jr. & Leticia L. Martinez

Salinas, Mathis, Saucedo, Jacaman & Gutierrez

Montemayor & Ramos, L.L.P. (withdrew proposal)

1ST APPLICANT – Law Office of Cavazos & Morales, L.L.P. (7:59 PM)

Ms. Ana Laura Cavazos-Ramirez was present to address the court. She wished everyone a good evening and thanked the court for an opportunity to address them. She stated that what set her and Ms. Maria Elena Morales apart from the other applicants is the fact that they have been the Delinquent Tax Collection attorneys for Webb County for the past three years and the court has seen their performance during that time. She stated that they have made reports to the court as often as possible and their performance has always been lauded. She stated that at every report, they have made a point of comparing their collections to that of the prior collection attorney. She stated that their collections for June 2006 were 212.6% higher than the June 2002 collections for their prior tax collection attorney. She stated that their performance has been above reproach. She stated that when they were selected as the county's tax collection attorneys, they were advised by the court that they were not to sell the properties of anyone willing to work with them. She stated that the other taxing entities and their tax attorneys generally only give the taxpayers two months to pay their entire late taxes but that they have given taxpayers up to a year to pay their delinquent taxes as long as a payment plan is made. She stated that they were glad to report that they have not foreclosed on any properties of their own accord but have joined several civil lawsuits brought by other taxing entities. She stated that they send out numerous notices and make many phone calls to contact the taxpayers. She stated that they have sent out no less than 200 notices of civil lawsuits brought by other entities. She stated that they are required by law to become a part of any lawsuits brought by other taxing entities to be sure that if the home is sold at auction, the county is able to retrieve the taxes owed. She stated that when a taxpayer is sent to court, they are now responsible for court costs of approximately \$300, a property title search of approximately \$150 as well as their back taxes and possible attorney's fees when they are taken to court. She stated that if they are able to pay their court costs, they should be able to pay their delinquent taxes.

2ND Applicant - Gutierrez & Hunter (8:10 PM)

Ms. Teresa Hunter was present to address the court. She stated that her husband and partner, Amador Gutierrez, Jr. was unable to attend today since he was meeting with a client at the CCA. She stated that she has served as delinquent tax attorney for L.I.S.D. from 1988 thru 1997 and Webb County from 1992 thru 1998 with Mr. Lazaro Garza-Gongora. She stated that she has approximately 25 years of experience in delinquent tax collection. She stated that when collecting delinquent taxes for Webb County, she created a very useful contract which includes an application form and a budget section with the applicants. She stated that she was familiar with the issues that residential and business taxpayers face. She stated that she was ready to begin working with the court and tax office immediately to see what the county's financial goals are and what needs to be prioritized. She stated that she would work with the County Auditor's Office to set up any procedures and guidelines that they may require. She stated that she would be submitting daily reports and payments to the tax office. She stated that she is knowledgeable in the software used by the tax office and served as a consultant for Ms. Cavazos-Ramirez and Mrs. Morales when they were first awarded the delinquent tax collection contract. She stated that the use of color coded post cards are a very effective tool that she introduced them to. She stated that the issuance of a business card with

their contract number and office information is issued to every client to bring with them when making payments to alleviate any problems and shorten the time it takes to make a payment.

3RD Applicant - Linebarger Goggan Blair & Sampson, LLP (8:21 PM)

Mr. Olivero Canales, Ms. Carrie Wells and Ms. Christina Gonzalez were present to address the court. Mr. Canales stated that he has served as Assistant District Attorney and Assistant County Attorney for Webb County and has collected delinquent taxes for the City of Laredo under a different firm. He stated that Linebarger Goggan is a national law firm that collects delinquent taxes all over the U.S. He stated that this is the only firm that was chosen by the Federal Government to collect delinquent income taxes. He stated that they have done well in both large and small communities. He stated that he would stake his reputation on this firm.

Ms. Wells stated that she has worked for Linebarger Goggan for over twenty years and they have a track record of collecting delinquent taxes in which other collection attorneys were unable to collect. She stated that the number of employees they have allows for personalized service to the constituents. She stated that they want to make a commitment to give back to the community if awarded the contract. She stated that Mr. Canales is their local counsel and has been for many years. She stated that if awarded the contract, they would join forces with a local firm to increase their presence in Webb County.

Ms. Gonzalez stated that their proposal and summary shows that they are the best for this contract. She stated that they are a highly rated law firm that focuses on delinquent tax collection. She stated that they want to do what is best for Webb County and its constituents. She stated that they are able to provide services that no other firm can provide.

4TH Applicant - Law Offices of Lazaro Garza Gongora, Jr. & Leticia L. Martinez (8:31 PM)

Ms. Leticia Martinez was present to address the court. She stated that she knows what Webb County wants to pay their delinquent tax attorneys and they do not see any problems with this. She stated that they understand how the billing for this works and will be paid according to how much they collect, not how much is delinquent. She stated that they will not charge for collections of taxes delinquent prior to 1992 or for bankruptcies. She stated that she has experience in title and property law and has worked under both Ms. Teresa Hunter and Mr. Lazaro Garza Gongora. She stated that she is able to fix any title problems that the clients may have with their property and is mindful of the hardships faced by the residents and working poor. She stated that she will take an active role in foreclosures and not just in interventions.

5TH Applicant - Salinas, Mathis, Saucedo, Jacaman & Gutierrez (8:37 PM)

Mr. Albert Gutierrez, Ms. Shirley Mathis, Ms. Marisela Jacaman and Mr. Octavio Salinas were present to address the court. Ms. Yohanna Saucedo was out of town and unable to be present. Mr. Gutierrez stated that they would represent the county as best as possible and that each attorney in their firm has their own

specialties. He stated that they are in the process of creating a website (www.salinasmathis.com) to give the residents of Webb County broader access to their firm. He stated that they will be able to make payments and payment arrangements online and will be bilingual and user friendly. He stated that Ms. Saucedo and Ms. Jacaman would serve as administrative attorneys and would be the first tier of contact for the delinquent taxpayers. He stated that the firm's pursuit of lawsuits would depend on the court's directives. He stated that foreclosures and judgments would be handled by Mr. Salinas and Mr. Gutierrez (2nd tier) and Ms. Shirley Mathis would handle mediations and bankruptcies. He stated that they have contracted with Frontera Concepts, a firm out of San Antonio, for technical support. He stated that they will be ready to start immediately if awarded the contract today, working out of the taxpayers files and technologically within thirty days.

Mr. Salinas stated that they are also ready to go to trial if necessary as soon as the proposal is awarded.

WITHDREW PROPOSAL – Montemayor & Ramos, L.L.P.

BREAK (8:44 PM thru 8:50 PM)

Cmr. Gutierrez stated that every law firm made an excellent presentation and was impressed by all of them. She stated that this is a difficult decision to make and would like to choose all of them. She stated that this was a decision that could not be taken lightly.

Cmr. Cortez-Brunner thanked everyone for being present on such short notice. She stated that there was a lot of experience in all the firms.

Cmr. Sciaraffa stated that he echoed Cmr. Cortez-Brunner's comments. He stated that this was one of the hardest decisions that he has had to make since coming into office. He also stated that he wished they could choose all of them.

Cmr. Sciaraffa motioned to appoint the Law Office of Cavazos & Morales, L.L.P. as Webb County's Delinquent Tax Collection Attorneys. Cmr. Cortez-Brunner seconded the motion.

Mr. Homero Ramirez, County Attorney, advised the court that the proposal submitted was for a three year contract and requested that it be included in the motion.

Cmr. Sciaraffa amended his motion to be for a period of three years as per the proposal submitted. Cmr. Cortez-Brunner amended her second.

Motion carried 3-0 with Judge Bruni and Cmr. Garza not present.

Item No. 6 Adjournment

Cmr. Sciaraffa motioned to adjourn the meeting. Cmr. Cortez-Brunner seconded the motion.

Motion carried 3-0 with Judge Bruni and Cmr. Garza not present.